



# DEPARTMENT OF PLANNING, HOUSING, & COMMUNITY DEVELOPMENT

Mayor, Richard C. David  
Director, Dr. Juliet Berling

## Staff Report Series A Site Plan and Special Use Permit Review

<b>Planning Commission Date:</b>	<b>May 27, 2015</b>
<b>Address:</b>	<b>160 Hawley Street</b>
<b>Tax Id #:</b>	<b>160.42-3-13</b>
<b>Case Number:</b>	<b>2015-28</b>
<b>Zoning:</b>	<b>Multi-Unit Dwelling District (R-3)</b>

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### REVIEW REQUESTED

This application would provide for the conversion of an existing two-story Professional Office building into a 10 bedroom Rooming House, meant primarily to serve as the residence of a Binghamton University athletic team. The proposal would involve the renovation of the interior, with minor changes including new partition walls on the 2<sup>nd</sup> story to better accommodate residential occupancy. The applicant will submit a revised site plan showing the elimination of parking spots in the parking area in order to reduce lot coverage. Those plans will be submitted to the Planning Commission before the June 8<sup>th</sup> meeting.

The proposal also includes the removal of the asphalt from the sidewalk utility strips to the north and east sides of the property, and its replacement with grass.

The subject property is in the R-3, Multi-Unit Dwelling District, where the proposed use, Rooming House, is permitted with a Special Use Permit and Site Plan approval from the Planning Commission.

### STAFF FINDINGS AND RECOMMENDATIONS

Planning Staff has the following findings:

1. The Planning Commission must determine if the requirements of Section 410-47 for a Series A Site Plan Review have been met.
2. The Planning Commission must determine if the general requirements as set forth in Section 410-40 for a Special Use Permit have been met.

The existing lot coverage at the site is 98%, whereas the maximum allowed in the R-3 District is 70%. The applicant has proposed the reduction of the impervious surface of the parcel to 75%, which is a 23% reduction. Staff recommends that the Planning Commission grant the applicant a 5% bonus in allowable lot coverage to allow the proposal to move forward with 75% lot coverage, due to the fact that the proposal represents a substantial improvement over existing conditions.

Staff recommends the following condition of approval:

1. The applicant shall provide at least one bicycle rack, to accommodate at least four (4) bicycles, on the property. Per § 410-55.G of the Zoning Ordinance, off-street parking areas containing or resulting in 20 or more spaces shall provide one bicycle rack for each 20 vehicular parking spaces.

## **STANDARDS FOR APPROVAL OF SITE PLANS**

Listed below are the *Standards for approval of site plans* found in Article IX of the Zoning Ordinance. In reviewing a Site Plan Modification application, the Planning Commission should refer to the guidelines for reviewing a Series A Site Plan application. Planning Commission is guided by the existing characteristics and conditions of the site, its surroundings, and the particular requirements of the Applicant. Elements of concern include, but are not limited to the following:

- Movement of vehicles and people
- Public safety
- Off-street parking and service
- Lot size, density, setbacks, building size, coverage and height
- Landscaping, site drainage, buffering, views or visual character
- Signs, site lighting
- Operational characteristics
- Architectural features, materials and colors
- Compatibility with general character of neighborhood
- Other considerations that may reasonably be related to health, safety, and general welfare

In addition, the general requirements described in Section 410-40 must be complied with. The requirements for Section 410-40 are as follows:

1. That the land use or activity is designed, located, and operated so as to protect the public health, safety, and welfare.
2. That the land use or activity will encourage and promote a suitable and safe environment for the surrounding neighborhood and will not cause substantial injury to the value of other property in the neighborhood.
3. That the land use or activity will be compatible with existing adjoining development and will not adversely change the established character or appearance of the neighborhood.
4. That effective landscaping and buffering is provided as may be required by the Planning Commission. To this end, parking areas and lot areas not used for structures or access drives shall be improved with grass, shrubs, trees, and other forms of landscaping, the location and species of which shall be specified on the site plan.
5. That a site plan shall be approved in accordance with applicable provisions of Article IX of the Zoning Ordinance.
6. That adequate off-street parking and loading are provided in accordance with Article X of the Zoning Ordinance or other requirements as may be set forth in Section 806, and egress and ingress to parking and loading areas are so designed as to minimize the number of curbcuts and not unduly interfere with traffic or abutting streets.

7. That site development shall be such as to minimize erosion and shall not produce increased surface water runoff onto abutting properties.
8. That existing public streets and utilities servicing the project shall be determined to be adequate.
9. That significant existing vegetation shall be preserved to the extent practicable.
10. That adequate lighting of the site and parking areas is provided and that exterior lighting sources are designed and located so as to produce minimal glare on adjacent streets and properties.
11. That the land use or activity conforms with all applicable regulations governing the zoning district where it is to be located, and with performance standards set forth in Section 503 of the Zoning Ordinance, except as such regulations and performance standards may be modified by the Planning Commission or by the specific provisions of Section 806. Notwithstanding the above, the Planning Commission shall not be authorized to modify the land use regulations of the Zoning Ordinance.

## **SITE REVIEW**

The subject property is located on the southwest corner of Hawley Street and Fayette Street. Land use in the immediate vicinity is primarily multi-unit residential as well as institutional or public facilities. The latter category includes Columbus School immediately across Fayette Street from the subject property, Samaritan House to the South and Columbus Park to the Southwest.

## **PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY**

120 Hawley Street: In April of 2015, the Planning Commission approved a Series A Site Plan/Special Use Permit Modification for a proposed 27,000 ft<sup>2</sup> two-story, mixed-use facility for light industrial, research and development industrial, medium industrial and office use.

## **ENVIRONMENTAL IMPACT**

The applicant's proposal is a SEQR **Unlisted** Action. The Planning Commission should act as the lead agency to determine any environmental significance related to the Site Plan and Special Use Permit.

1. Motion to determine what type of action:
  - a. Type I
  - b. Type II
  - c. **Unlisted**
2. Determine Lead Agency and other involved agencies.
3. After the Public Hearing, Determination of Significance. The Planning Commission is responsible for completing Part 2 & Part 3 of the Environmental Assessment Form (EAF)– see below.

**SEQR EAF Part 2 - Impact Assessment.** The Lead Agency (Planning Commission) is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the Planning Commission. When answering the questions the Planning Commission should be guided by the concept “Have our responses been reasonable considering the scale and context of the proposed action?”

	NO, OR SMALL IMPACT MAY OCCUR	MODERATE TO LARGE IMPACT MAY OCCUR
Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	X	
Will the proposed action result in a change in the use or intensity of use of land?		X
Will the proposed action impair the character or quality of the existing community?	X	
Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	X	
Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	X	
Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	X	
Will the proposed action impact existing:  A. public / private water supplies?  B. public / private wastewater treatment utilities?	X	
Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	X	
Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	X	
Will the proposed action result in an increase in the potential for erosion, flooding or drainage Problems?	X	
Will the proposed action create a hazard to environmental resources or human health?	X	

**EAF Part 3 - Determination of significance.** For every question in Part 2 that answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- If the Planning Commission determines that the proposed action may result in one or more potentially large or significant adverse impacts an environmental impact statement is required.
- The Planning Commission may issue a Negative Declaration if it is determined that the proposed action will not result in any significant adverse environmental impacts.

## **ENCLOSURES**

Enclosed is a copy of the application, site plan, and photograph page.